



**FIRING RANGE BUILDING COMMITTEE
MINUTES
FEBRUARY 18, 2020
6:00 P.M.**

Present: **Councilman Vinnie Loffredo**, *Chairman (Newly Appointed)*;
Councilman Darnell Ford *(Newly Appointed)*;
Scott Cavanaugh *(Administrative Officer for the New Haven Division of the F.B.I.)*;
Fire Chief Robert Kronenberger *(Committee Member since its inception)*;
Chris Holden *(Deputy Director of Public Works & Staff to the Committee for approximately 3½ years)*;
Captain John Lozefski *(Administrative Division of the Middletown Police Department, and sitting in for Deputy Chief Michael Timbro. He's not a Committee Member, he's a Resource Staff)*;
Jennifer Mahr *(Original Committee Member since 2016; also the Chair of the Westfield Residents Association)*;
Councilman Philip Pessina *(Vice-Chair of the Committee, as well as an Original Committee Member; and a retiree from the Middletown Police Department in 2006 as Deputy Chief of Police)*;
Rick Price *(F.B.I. – Principle Firearms Instructor for over 2½ years)*

Absent: Deputy Chief Michael Timbro, Barbara McAuliffe, and Joseph Bibisi

1. Meeting Called to Order

Chairman Vinnie Loffredo called Meeting to Order.

2. Approval of the Minutes (May 21, 2019)

Fire Chief Robert Kronenberger made a Motion to approve the Firing Range Building Committee (FRBC) Meeting Minutes of May 21, 2019; Seconded by Councilman Philip Pessina. Jennifer Mahr stated that several issues were wrong with these Minutes, i.e.,

- The members of the public who spoke were not identified, nor were their concerns written down;
- She (*Mahr*) is not a Councilwoman under the Approval of the Minutes;
- Under Old Business, all that's discussed is a mention of the F.B.I., not the whole meeting that occurred in front of the little mention of what the F.B.I. could promise for funding or not.
- That a good part of the business of the meeting is not captured in the Minutes.

There being no further discussion or questions, Chief Kronenberger and Councilman Pessina voted to approve; Ms. Mahr voted not to approve; Chairman Loffredo and Councilman Ford abstained.

Chairman Loffredo stated that the (*February 18, 2020*) Minutes should reflect the comments that were made regarding the nature of the (*May 21, 2019*) Minutes.

3. Public Comment Opens

Jane Yates, 80 Pashley Lane, Middletown

Ms. Yates stated that she and her husband love living in Middletown; that they first became aware of the Firing Range in (*inaudible—couldn't decipher the year or rest of the sentence*); that they were informed by their builder that a \$750,000.00 bond had been already approved for Noise Abatement at the Range. She added that time went by with them believing that the abatement was in the works, but the noise continued in closed windows, while sitting on their deck enjoying their otherwise peaceful neighborhood, and in the summer while enjoying their pool with their children and grandchildren.

3. Public Comment Opens (cont'd)**Jane Yates, 80 Pashley Lane, Middletown**

Fast forward to July 2018. There was a Community Meeting where they learned a new study was planned to address the Firing Range Noise Abatement.

Mrs. Yates and her husband volunteered to have one of the monitors in their backyard. The report, in the following January 2019, clearly spelled out just how loud the noise from the Firing Range is in their neighborhood. The report also estimated potential noise mitigation cost estimates, giving five (5) different scenarios – the most expensive would be to reorient the Range south southwest and put up a 30-foot barrier; that the cost for that was \$558,000.00.

She stated that the Middletown City Ordinance and the State regulations limit noise to 55 decibels in residential areas. She asked how can the Firing Range continue, in essence, breaking the law, as she sees it as a citizen; that it's been way too long. She added that she knows it's been worked on, and even just looking at the study, none of the options as was proposed, is over the \$750,000.00 bond, so she's confused as to what the delay is.

She said it's been four (4) years they've been expecting the noise to be abated; that the \$750,000.00 bond was approved in January 2016; that she understands that the attempt is being made to get the F.B.I. to commit money to the abatement, which has also been on the table for a number of years. She said she read an article in the Middletown Press from January 27th; that it said that the F.B.I. is conducting a Feasibility Study, which again confused her; that she doesn't understand why they couldn't use the study that was already done. She went on to say the article also said that the Police Training is in the spring – April to June, and the fall – September to November. She heard shots the previous week, so that doesn't fall into when... She said she's not sure who was using it, but it's not just being used during those months; adding they're also heard many times throughout the summer, as in July and August also.

She added that they have never been notified of when Police Training will be taking place, despite having made that request for a number of times; that the article had said that that's what happens – an Email goes out, letting the interest parties know. So, at this point, besides being very frustrated, she's there to try and see where they're at; that she knows she read in the Minutes that there was an update with the F.B.I. But, she wants to know, overall, from a person who really doesn't know a lot about the inner workings. Just common sense logic.

Maryann Serra, 251 Sisk Street, Middletown

Mrs. Serra introduced herself, saying that she is the wife of a former Mayor and former Majority Leader Thomas Serra, and proceeded to give a history of how this issue began, stating that it started many, many years ago under Captain (*Salvatore*) "Flash" Faraci, who made this Firing Range in the Westfield area for Middletown Police Officers to use it as a practice (*inaudible*); that somewhere along the line, someone allowed their friends from other departments to use this Firing Range. When asked, they were told, "That's not true. It's only local Middletown Police Officers." She said that went on for a while, when all of a sudden it was revealed that that wasn't true; that it's other towns that come in and use the Firing Range; and that somewhere along the way, it morphed into, "Now the F.B.I. is allowed to use the Firing Range." She added that they love the Police Officers; that they respect the fact that they need to practice for their safety, as well as the safety of their residents; that they know this to be true; however, it needs to be done properly and in such a way that it doesn't impinge upon residents.

She said the decibels are four (4) times the legal allowing levels of noise for residents, and every time it's being used the local police are breaking the law, the police departments from other towns are breaking the law, and so is the F.B.I., because it's not within the noise boundaries for residential area. She questioned the health of this, because it's near their reservoir. She also questioned if the lead that comes out of firing all of this has been addressed, and if it's seeping into their water that they drink daily; adding that this is an issue because that's lead and that's deadly.

3. Public Comment Opens (cont'd)**Maryann Serra, 251 Sisk Street, Middletown**

She said that residents deserve to have a peaceful neighborhood, someplace where they can go and find that peace; that in the summertime, it's not peaceful. She explained that she has five (5) grandchildren – 4 boys and 1 girl; that last summer, while playing outdoors, they were frightened by the loud noise from the shooting. She also spoke about her husband receiving chemo therapy and unable to sleep because of the noise. She stated that this is not quality of life; that every resident in this town deserves quality of life.

She said she's at this meeting because her husband can no longer be there; that she's not a political person. She ended by saying that she loves where she lives; but she wants it back to where it was before, when it was... "Yup! We heard a little bit out there." But it was muffled and it was bearable; that now it sounds like the 4th of July every day in the summertime; and it's just not a pleasant place to be.

Andrew Chiaravallo, 401 Higby Road, Middletown

Mr. Chiaravallo stated that he's a lifelong resident – 67 years; that he's on the direct line of fire of the Range; that he's been following this procedure since 2014, if not sooner; that he's discouraged. He's in favor of the Firing Range and sees its importance; but, there's been two (2) studies, numerous solutions, money... Let's go! That he doesn't understand it.

Jennifer Mahr (*Committee Member*) said she was asked to read an Email from a citizen...

Eleanor Chester, 128 Higby Road, Middletown

To Whom It May Concern:

Due to a previous commitment, I am unable to attend tonight's meeting.

I've been a resident of Higby Road and a taxpayer for over 50 years.

Unfortunately, for the past few years, what was a peaceful environment has been interrupted by all sorts of very loud gunfire coming from the Range.

After our meeting at the Firehouse some time ago, there has been some improvement in the frequency, but not in the loudness of rapid fire and automatic firing. I have believed, as have many of my neighbors, that the promised solution was being worked on and our silence have been due to our quietly and patiently waiting for the promised outcome.

The noise is still very loud, and startling, and unexpected on any given day. Gunfire in an otherwise quiet neighborhood is frightening and awful, to put it plainly. Our expectations are that this problem would be resolved as promised.

Thank you,

Eleanor Chester

4. Old Business**a) F.B.I. Update**

After a brief discussion regarding the F.B.I.'s involvement, it was established that this is the F.B.I.'s first time at an FRBC Meeting; that they had some involvement years ago, when the original Firing Range was being upgraded; and that they were participants at that time. This is Rick Price's (*the F.B.I.'s Principle Firearms Instructor*) first time at this meeting. Chris Holden explained that he wasn't involved directly with the F.B.I. in discussing the details back in May of 2019; that it was approximately six (6) months ago that they were having more serious discussions; that they met with several members of the F.B.I. out at the Range; that the number that was thrown out there for the \$30,000.00 is their commitment to study the Range, to evaluate what sort of improvements need to be made; that then there will potentially be additional funding in the following fiscal year that would then be able to address whatever the Feasibility Study comes up with as a solution to make it a viable Firing Range.

4. Old Business (*cont'd*)

a) *F.B.I. Update*

Mr. Price agreed with Mr. Holden's statement, explaining that they're talking about two (2) different things here; that when the F.B.I. got involved, it predates both him and Scott's (*Cavanaugh, Administrative Officer for the New Haven Division of the F.B.I.*) time; that in the last, roughly six (6) months is when they started sitting down and getting seriously involved – 'let's make this happen'; that their frustration is shared with some of the public comments – it should have happened quicker and sooner; that the F.B.I. has changed the way it's doing this in that time frame; that it used to be they would just crossed their fingers and wait for end of year money. He added that Captain Lozefski can attest that that's unreliable, to say the least, because the end of the year would come... "Sorry, it didn't happen." They don't do that anymore. Now, these projects are budgeted out a year or two (2) in advance and they're locked in; that now, with the different ways that they're handling the construction/improvement of Ranges, the different methodology is meant that they need to have these meetings; that they're getting serious, they're committing money. They're not hoping; that hope is not course of action to get anything done. He concluded that there's the old stuff that they were not a part of; and the new stuff – roughly six (6) months ago – they actually started talking in earnest about a new plan.

Chairman Loffredo stated that they (*FRBC*) already have a plan; that they have \$1.5 million of bond money available from the City's side to take \$750,000.00 to deal with the lead issue; and the other \$750,000.00 to address the reconstruction of the Range to make it compliant with their Board of Ordinances, in particular, the Noise Ordinance.

Mr. Holden said when the first Sound Study was completed, they didn't necessarily look at the big picture and said, "Okay, this is really going to cost \$2 million to do what you want; with the \$750,000.00, here's the most cost-effective solution that would meet the requirements or close enough to the requirements that they could meet." And that was one of two things: Rotate the Firing Range so you'll be shooting towards the mountain; and the other one was to create that essentially 20-foot earth and berm with a 10-foot wall on top of that around two sides of it. At that point, there was sort of a change of action; there was a company – Troy Acoustics – that came in and promised the world; the Council did a bid waiver to hire them; and that's when the 2nd \$750,000.00 for bullet traps and lead abatement came into play.

Once they moved forward with Troy Acoustics, they weren't able to meet the requirements and they parted ways them; and that's when they came up with the 2 Sound Study, just to confirm what was developed in the first Sound Study. That's when Erich Thalheimer (*BSME, INCE Bd. Cert., Acoustical Engineer*) was hired to conduct a more detailed Sound Study; that his equipment was able to collect data at a quicker speed so you get a more accurate result; that for that study, they chose different calibers of weapons that were used on the Range, i.e., large rifles, 3-way sniper rifles for SWAT, the standard 223's, handguns, and 12-gauge shotguns. When the studies were conducted, they were monitored in very specific incidences, so they could create a sound model across the area; and that's how they came up with the solution that he (*Thalheimer*) came up with. His cost doesn't take into account the full effort that it would take to reconstruct; that in order to change the Range around is going to be a lot more expensive; that you have to move buildings around, etc.

Mr. Holden explained that there were issues that weren't addressed, such as safety concerns; that he's hoping the F.B.I. can come in and create a "no blue sky", so there's no errant shots; that it would also reduce the sound because that would be covered over the top of the Range, but only specifically in the up to 27 yards, which is generally where most of the shooting takes place. He said none of the solutions – unless they do a fully covered enclosed building – would eliminate the sounds completely; that they're trying to reduce the sounds to an acceptable level. Chairman Loffredo said as long as it complied with the Noise Ordinance and, therefore, not affecting the neighborhood negatively.

4. Old Business (*cont'd*)

a) *F.B.I. Update*

At this time a Q&A/Discussion took place between the FRBC and Mr. Holden, Captain Lozefski, and Mr. Price, regarding a report of which they were all in possession.

Mr. Price stated that the studies that were referred to were Sound Studies. The Feasibility Study is a study about what it will cost to build the Range to improve the Range, and to answer the concerns that everyone has, i.e., sound, lead, and continuing to have a safer Range. He said that's what the \$30,000.00 Feasibility Study is for, and the F.B.I. has earmarked that money for said study for the City of Middletown Firing Range Building.

Mr. Price continued by saying what they think is the best option...when Mr. Cavanaugh interjected to say that this isn't coming from Mr. Price or him; this is coming from the folks (*they build F.B.I. Ranges across the world*) that came up from D.C. in November 2019, looked at the Range. So, what Mr. Price is going to explain is what the people from D.C. is suggesting.

Mr. Price said what they think is the best option is

1. A series of overlapping baffles that go the width of the Range and go behind the 25-yard line. That will mitigate sound; and also in the unlikely event that someone were to shoot and miss the dirt (*which he's never seen happen*), it would catch that round as well;
2. A wall across the right side of the Range, as it's oriented right now, that will come up high enough where it's higher than the bottom of those overlapping baffles. Again, mitigating sounds and ballistics on that side of the Range. It handles sound and their safety requirements;
3. Redoing the berm from a dirt berm to a rubberized berm with a concrete catchment that helps them in two (2) ways:
 - All the lead and with the HEPA filters that filter all the run-off that come out of the Range area, will not only be a better solution for a berm than a dirt pile; it will allow much easier mining of the projectiles in the lead to keep it clean and much more environmentally acceptable.
 - The upside to that is that the lead is worth quite a bit; it's clean lead, it doesn't go into dirt; and depending on what the market price of lead is, it goes up and down, money could be made and help with the costs of replacing HEPA filters and keep it running.

As a result of Ms. Mahr's questions...

Mr. Price confirmed that the \$30,000.00 for the Feasibility Study is in hand for the Fiscal '20 Budget.

Also, while a figure wasn't quoted, Mr. Price stated that it is the F.B.I.'s intent to meet what Middletown can put in; that it is believed to occur in the Fiscal Year '21, where the F.B.I. would come up with what they believe would be \$1.5 million, maybe up to \$2 million from F.B.I. money to go in concert with the existing money that Middletown has bonded; that the \$30,000.00 (*for the Feasibility Study*) is separate. That's so they could have an accurate handle on what it really costs from a Range-building company that says, "We will build your baffles for this much money; we will build your wall for this much money; and we'll build your berm for this much money." He added that it's an à la carte slidable scale, so they could say, "We could do 30 lanes for this much; but we could do 20 lanes for this much." So, they're going to try to look at it and say, "What's the most we can get efficiently to answer the mail?" If it means we have to have a narrower Range to get what we want, then it'll be considered.

Ms. Mahr stated that a Memorandum of Understanding (*MOU*) between the MPD and the F.B.I. for access of the facility, which was signed in 2008; that it states the number of days the F.B.I. is authorized to use the Firing Range facility. She said if the F.B.I. is going to conduct a Feasibility Study, it's almost like they're taking over this (*FRB*) Committee's job; that clearly, that changes their *MOU*.

4. Old Business (*cont'd*)

a) *F.B.I. Update*

She asked Mr. Price if the F.B.I.'s trying to use the facility more; and who's going to be responsible for the upkeep of this shiny new place; is Middletown giving up control of the facility.

Chairman Loffredo stated that they don't have figures on the cost to make the changes to the Range. He added that it looks like more money will be needed if it's going to be done appropriately. After more discussion regarding the noise and the noise not always coming from the Firing Range Building, Chairman Loffredo asked Mr. Price exactly what the \$30,000.00 (*for the Feasibility Study*) covers.

Mr. Price stated that it covers a study for the construction portion of this; it's 'how much does it cost per foot for the berm; per foot for the (*inaudible*).'

Chairman Loffredo asked when would that be done. Mr. Price said he believes they were talking about early summer (2020); and the results would be provided to the FRBC. He added that nothing would be done without it going through the FRBC; that he's not trying to usurp the FRBC. He added that he'll have data for them; and that said data will include estimated costs. Chairman Loffredo asked if a Sound Study would be part of it, and Mr. Price said he doesn't have that answer and that he will ask.

Chairman Loffredo said they would want to make sure that whatever they would be designing to make sure the FRBC is involved. Mr. Price agreed, stating that it would not make sense not to do it.

Councilman Pessina made a Motion to consider allowing the F.B.I., specifically Agent Richard Price (*F.B.I. – Principle Firearms Instructor*) and Scott Cavanaugh (*Administrative Officer for the New Haven Division of the F.B.I.*) to move forward with their \$30,000.00 (*Feasibility*) Study for the Lead Abatement and redesign of the Range that would address the issues that were brought forward here; and the issues that we've been facing over the last four (4) years; Seconded by Chief Kronenberger.

Ms. Mahr said it sounds like if they (FRBC) delay for a Feasibility Study and they delay for the possibility that matching funds are going to be available in the Fiscal Year '21, and there's a further delay to wait for those funds before construction, there's at least by accepting this Motion today, they (FRBC) are saying they're agreeing to a delay of two (2) more years, minimum, without any Sound Abatement happening; that if that's true, then what are they going to do in the meantime, because they break the law every day?

Chairman Loffredo replied that all they're proposing that evening is to say, "You go ahead and do your \$30,000.00 Study; come back here, present us with options". He added that they'll decide to either accept, reject, whatever; that they just can't live with it; that whether or not in the process, he would just add one caveat; that Ms. Mahr's absolutely correct; that the details of what they have there, whether or not there's anything that they could do within the limits, in other words, if they were to agree to X, Y, and Z of their (*F.B.I.'s*) proposal, aren't there steps that they could take, before the final, final whatever, that would fit to their design, but clearly be focused specifically on the current setup, and mitigating the noise problem.

Mr. Cavanaugh said that he believes once they get the Feasibility Study back, they could definitely discuss that with them down there, and have them propose some options.

Chairman Loffredo reiterated that they have \$750,000.00 to take care of sound; and \$750,000.00 to take care of lead. That's all they have; that's the charge of the (*FRB*) Committee, basically, with the current facility as is. He added that he understands and he thinks that, prospectively, it's unfortunately taking this long; that they (*F.B.I.*) didn't have the flexibility that they seem to have now.

Chairman Loffredo stated that by agreeing to have them do what they're doing; that they'll be coming back with a report, and they (*FRBC*) will either accept, reject, and then they will move forward at that point, if in fact it was said, "Thank you, but we're going to do something else."

4. Old Business (*cont'd*)

a) *F.B.I. Update*

Councilman Pessina wanted to clarify that the F.B.I. would also bring back, besides the report, some immediate things that they will be able to do to start to address it in the meantime while the funding and the construction begins. Agent Price said he could try, but he doesn't know what he could do; that they can't make the guns quieter; that they try to get their shooting done in a condensed amount of time.

Agent Price added that most of the time on most of his Range days, they don't start until nine (9); and he's done by noon. Chief Kronenberger asked should the Feasibility Study come back positive and it's the avenue they want to go; they know their money becomes available in the following Fiscal Year. Would the City be able to front the cost and recoup in the following Fiscal Year; that it's been done in the past with grants. Chairman Loffredo replied that the only concern is that they would have to have certain (*inaudible*).

After a brief discussion, Mr. Cavanaugh stated that they still work on a Fiscal Year, which starts in October; that they have to take that into account; that they come back with the (*Feasibility Study*) Report, they will make every effort to find out how much they can or the DC's are willing to commit to is number one; and the other thing is they will ask them for short term measures that could be taken into the short term to address some of the sound issues.

Agent Price said that regarding the funding, while he's not an expert, he understands that the way they like to do these projects. Mr. Cavanaugh took over and said the way they do the funding is they're not taking it over; that the town will handle the contracting and the town will run it, and then they (*F.B.I.*) will reimburse the town. The town sends them a bill and they will reimburse the town.

There being no further discussion or objection, the Motion made by Councilman Pessina and Seconded by Chief Kronenberger was approved unanimously.

5. New Business

a) *Introduction of New FRBC Members*

Already done.

Chairman Loffredo said he knew about Barbara McAuliffe, and asked if there were any other members missing. Joseph Bibisi's name was brought up. Chairman Loffredo asked if someone could check to see if he's still interested in being an FRBC member.

b) *Meeting Dates*

Mr. Holden said they usually meet the third Tuesday of every month at **6:30 P.M.**

At this time, Councilman Darnell Ford asked who uses the Firing Range, how often does it get used, and how does the notifications of the Firing Range usage get to the public.

Captain Lozefski said an Email 'blast' goes out. Ms. Mahr said that they have all asked and no one gets the notifications. Chairman Loffredo said why don't they make sure to get their E-mails to Captain Lozefski. Notifications of other parties using the Range also was discussed.

Councilman Pessina asked Captain Lozefski could acquire a Shooting Schedule from POST.

A question was asked if Legal needs to be contacted. Chairman Loffredo suggested creating a Referendum. A further discussion followed, including perhaps proceeding a little sooner than later.

Captain Lozefski asked about moving the Firearms Training to another location.

Ms. Mahr asked if he would give her a number of what it would take to move the training somewhere else. He said he would.

5. New Business

b) Meeting Dates

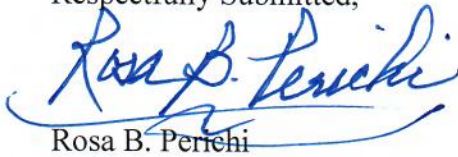
Councilman Ford said he would like to see a nice timeline, timeframes, and deadlines of what they're looking at, just in case they have to move or shut down the facility, or even during building... where would they go; what would it cost? Then... What's next? What's next? What's next?

6. Meeting Adjourned

Councilman Pessina a Motion to adjourn; Seconded by Councilman Ford. There being no discussion or objection, Motion approved.

Next Firing Range Building Committee Meeting: Tuesday, July 17, 2020, 6:30 P.M.

Respectfully Submitted,



Rosa B. Perrihi
Staff